

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY APRIL 8, 2013

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1136

Introduced by Assembly Member Levine

February 22, 2013

An act to amend Section 4074 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1136, as amended, Levine. Pharmacists: drug disclosures.

The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Existing law requires a pharmacist to inform a patient orally or in writing of the harmful effects of a drug dispensed by prescription if a prescription drug poses a substantial risk to the person consuming the drug when taken in combination with alcohol or if the drug may impair a person's ability to drive a motor vehicle. This requirement applies when the board determines that the drug is a drug or drug type for which this warning shall be given. A violation of the Pharmacy Law is a crime.

This bill would *additionally require the, on and after July 1, 2014, a pharmacist, if he or she is required to provide the oral or written notice described above, to include a written label on the drug container indicating that the drug may impair a person's ability to operate a vehicle or vessel if the pharmacist, in exercising his or her professional judgment, determines that the drug may impair a person's ability to operate a vehicle or vessel, as specified.* Because a violation of this

requirement would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4074 of the Business and Professions
2 Code is amended to read:
3 4074. (a) A pharmacist shall inform a patient orally or in
4 writing of the harmful effects of a drug dispensed by prescription
5 if both of the following apply:
6 (1) The drug poses substantial risk to the person consuming the
7 drug when taken in combination with alcohol or the drug may
8 impair a person's ability to drive a motor vehicle, whichever is
9 applicable.
10 (2) The drug is determined by the board pursuant to subdivision
11 (c) to be a drug or drug type for which this warning shall be given.
12 ~~(b) If paragraphs (1) and (2) of subdivision (a) both apply, the~~
13 ~~pharmacist~~ *In addition to the requirement described in subdivision*
14 *(a), on and after July 1, 2014, if a pharmacist exercising his or*
15 *her professional judgment determines that a drug may impair a*
16 *person's ability to operate a vehicle or vessel, the pharmacist shall*
17 *include a written label on the drug container indicating that the*
18 *drug may impair a person's ability to operate a vehicle or vessel.*
19 *The label required by this subdivision may be printed on an*
20 *auxiliary label that is affixed to the prescription container.*
21 (c) The board may by regulation require additional information
22 or labeling.
23 (d) This section shall not apply to a drug furnished to a patient
24 in conjunction with treatment or emergency services provided in
25 a health facility or, except as provided in subdivision (e), to a drug
26 furnished to a patient pursuant to subdivision (a) of Section 4056.
27 (e) A health facility shall establish and implement a written
28 policy to ensure that each patient shall receive information

1 regarding each drug given at the time of discharge and each drug
2 given pursuant to subdivision (a) of Section 4056. This information
3 shall include the use and storage of each drug, the precautions and
4 relevant warnings, and the importance of compliance with
5 directions. This information shall be given by a pharmacist or
6 registered nurse, unless already provided by a patient's prescriber,
7 and the written policy shall be developed in collaboration with a
8 physician, a pharmacist, and a registered nurse. The written policy
9 shall be approved by the medical staff. Nothing in this subdivision
10 or any other law shall be construed to require that only a pharmacist
11 provide this consultation.

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.